

Independent Council for News Media Standards
First discussion draft - Original is in English

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An Act to establish an Independent Council for News Media Standards with the object to preserve the freedom of the news media and to maintain and improve the professional Standards of news media in Sri Lanka.

Preamble

Whereas, the Constitution as well as the *International Covenant on Civil and Political Rights* ratified by Sri Lanka guarantee freedom of expression and of the media;

Aware that a free, independent and diverse media with high ethical standards and professional competence, and dedicated to providing a wide range of information and ideas to citizens, and to serving as a public forum for uninhibited democratic dialogue is indispensable in building and maintaining democracy in Sri Lanka,

Be it therefore enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:

1. This Act may be cited as [the Independent Council for News Media Standards Act] No.....and shall come into force on the day immediately following the date of certification in terms of Article 79 of the Constitution.

Abolition of the Sri Lanka Press Council Act.

2. The Sri Lanka Press Council Act no 5 of 1979 is hereby repealed.

Application of the provisions of the Act

3. This Act shall apply to **news media outlets** which, for purposes of this Act, consist of the following:
 - 3.1 News Media publications including their online versions published from Sri Lanka;
 - 3.2 Subject to the conditions attached to the broadcasting licence, all broadcasting content services including their on line versions transmitted or distributed from Sri Lanka;
 - 3.3 On line news media services, which are originated from Sri Lanka and have declared formally in writing their voluntary agreement to comply with any relevant Codes of Practices adopted by the Independent Media Standards Council, and this agreement is displayed appropriately and prominently on their homepage.

Media Freedom and News Media

4. Media Freedom:
 - a. is a corollary to the constitutionally guaranteed right to freedom of expression;
 - b. prohibits any prior censorship of news media outlets.

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5. In fulfilling their public functions news media outlets, have a right to:
 - 5.1. gather and disseminate news and information;
 - 5.2. express opinions and engage in critical reporting on various issues and public matters; and
 - 5.3. participate in the process of forming public opinion.

Right to Publish

6. Everyone has the right to establish a news media outlet, subject only to the rules set out in this Act and the rules regarding the need to obtain a broadcasting licence before operating a broadcasting service.
7. No one shall wilfully obstruct the legitimate collection of news and information by a journalist working for a news media outlet.
8. (1). No one may be subject to any legal, administrative or employment-related sanction, regardless of any breach of a legal or employment obligation, for releasing information on wrongdoing, or that which would disclose a serious threat to health, safety or the environment, as long as they acted in good faith and in the reasonable belief that the information was substantially true and disclosed evidence of wrongdoing or a serious threat to health, safety or the environment.
(2). For purposes of sub-section (1), wrongdoing includes the commission of a criminal offence, failure to comply with a legal obligation, a miscarriage of justice, corruption or dishonesty, or serious maladministration regarding a public body.

The Right Not to Disclose Sources

8. No one may be required to reveal information identifying a source who has provided information on a confidential basis to a news media outlet.
 - (a), No court may require a journalist to disclose nor may any adverse inferences be drawn against him/her consequent to such refusal to disclose the source of information contained in a publication for which that journalist is responsible.
 - (b) Provided that the Supreme Court may order a journalist to disclose a source of information if it is established to the satisfaction of the Court that disclosure is necessary in a democratic society in the interests of national security or for the prevention of disorder or crime.

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The Right to Correction

9. Where inaccurate factual information which undermines the reputation or other legal rights of any person is reported in a news media outlet, that person shall have the right to have such inaccuracy corrected, free of charge, in the media outlet in which the information appeared. This right shall be subject to the following rules:
 - a) in the case of a daily news media publication, on line news media service which is a news media outlet or broadcast content service the correction shall be inserted within three days of receipt and, in the case of other news media publications, in the next issue following three days of receipt;
 - b) during election periods, the three-day period set out in sub-section (a) shall be reduced to twenty-four hours;
 - c) a claim for a right of correction must be made within one month of the dissemination of the information giving rise to the claim; and
 - d) where a news media outlet refuses to honour a claimed right of correction, the person affected may apply to the Media Standards Council to order the news media outlet to insert the correction.

10. The Media Standard Council before which an application under sub-section (10 c) is lodged shall give its decision within two weeks from the day the application is received by it provided that, during an election period, the Independent Council for News Media Standards shall pronounce its decision as soon as reasonably possible .

Accountability of news media

11. For the purpose of this Act the editor-in-chief as designated by the news media outlet shall be accountable for all the contents disseminated by the news media, including advertisements.
12. The editor-in-chief shall be accountable to the Independent Council for News Media Standards for all the content included in the news media outlet even when the breach of the Codes of Practices adopted by the Independent Council for News Media Standards, is not directly attributable to the editor-in-chief.
13. No one shall discriminate, impose sanctions or terminate from employment an editor-in-chief, journalist or any other employee of a news outlet because of his or her refusal to

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violate the Codes of Practices adopted by the Independent Council for News Media Standards.

14. News media outlets shall disseminate the relevant Codes of Practices adopted by the Independent Council for News Media Standards, to their employees.
15. Journalists have the right to organise themselves into professional bodies and unions of their choice.

Certificate of Registration

16. Anyone who publishes or desires to publish a news media publication or an on line news media service which is a news media outlet shall, by providing the information indicated in section (18), register such publications with the Independent Council for News Media Standards.
17. The registration form shall include the following information:
 - a. the name and address of the publisher, the editor-in chief and where relevant, the printer; and
 - b. the name and address of the publication or the online news media service registering under section 3.3 as well as of any branch offices.
18. Where the proposed name of news media publication or an online news media service so closely resembles the name of another such entity which has already been registered that the two may easily be confused, another name shall be registered.
19. Any changes to the information provided under section 18 shall be reported to the Independent Council for News Media Standards within fifteen days.
20. Registration shall lapse where:
 - a. the publisher provides written notification of discontinuance of the publication or on line news media service;
 - b. there is a gap in dissemination of content of more than three months or
 - c. the registered publication or online service does not commence its services within one year of obtaining registration.

Imprint and Gratuitous Copies

21. News media publication shall, on each edition, carry the names of the publisher, printer and editor-in-chief, and the edition number, periodicity and date of publication.

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22. Broadcast content service shall indicate the station name and the name of the producer responsible for the programme at the beginning and end of each programme.
23. News media publications with national distribution or based in Colombo shall, within 24 hours of dissemination, deposit two gratuitous copies of every edition with the National Archives.
24. News media publications other than those identified in section (24) shall retain two copies at their premises for a minimum of six months.
25. Broadcast content services shall retain recorded versions of all of the material they broadcast for at least for six months.
26. Where content disseminated by a news media outlet is the subject of a dispute before the courts or the Independent Council for News Media Standards, the period of retention of the content referred to in sections (25) and (26) shall continue until the dispute has been finally decided in the sense that any opportunity for further appeal has been exhausted.

The Independent Council for News Media Standards

27. There shall be established for the purposes of this Act, a body called the Independent Council for News Media Standards (hereinafter the “Council”). The objects of the Council shall be to preserve the freedom of the news media and to maintain and improve the Standards of news media in Sri Lanka.
28. The Council shall by the name assigned to it by section (28), be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.
29.
 - a. The Council shall consist of thirteen members including the Council’s Chairperson, appointed by the President upon the recommendation of the Constitutional Council;
 - b. discharging its obligations under sub-section (a) the Constitutional Council shall recommend:
 - i. four eminent persons chosen from among the nominations received from organisations representing the news media publishers, news media owners and the editors-in-chief of the news media outlets;
 - ii. four eminent persons chosen from among the nominations received from the working journalists’ associations and unions;

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- iii. four eminent persons, chosen from among nominations received through a public consultation organised and held by the Sri Lanka Press Institute, provided that they are not from news media organisations or, in case the Sri Lanka Press Institute is unable to make nominations through a public consultation, from among the nominations submitted by professional associations and civil society organisations which have contributed to foster human rights, rule of law, freedom of expression or right to information;
 - iv. one eminent person who is a lawyer, retired judge or a jurist, who shall be the Chairman of the Council, to be nominated ~~by~~ in consultation with the Bar Association of Sri Lanka.
 - c. The nominations under sub-section (b) shall be made on the basis of an invitation for nominations sent by the Constitutional Council to the relevant organisations, provided however, that the nominees under sub sections (i) and (ii) shall be so made that among the persons nominated there is not more than one person interested in any news media outlet or group of news media outlets under the control of the same management or ownership.
- 30. Prior to making its recommendations under section (30), the Constitutional Council shall publish a short list of [at least/up to] eight persons from each of the three categories mentioned in sub- sections (30)-(b) (i),(ii) and (iii) respectively, and hold a public consultation, to obtain general consensus as to the twelve most suitable persons to be recommended, ensuring that the persons who are being recommended represent language and ethnic diversity, women , geographical representation and are persons, who have distinguished themselves in public life with proven knowledge, experience and eminence in the fields of human rights, journalism, mass media, law, political and social sciences, sciences, literature or education;
- 31. (a) In the event the Constitutional Council is of the opinion that an insufficient number of nominees meet the criteria set out herein fresh nominations shall be called for.
 - (b) The Constitutional Council may require any person being considered for appointment as a member of the Council to furnish it with information as it may require for the purpose of discharging its functions regarding recommendations.

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32. The Constitutional Council shall make its recommendations under section (30) within three months of the date of coming into operation of this Act or the date of a vacancy arising in the Council. In the event, that the organisations concerned fail to make appropriate nominations within a reasonable period as stipulated by the Constitutional Council, the Constitutional Council shall make its own recommendations in line with the representative arrangements set out in sections (30) and (31).
33. The President shall appoint, within fourteen days of receiving recommendations of the Constitutional Council the Chairperson and the Members of the Council. [In the event the President fails to make the necessary appointments within such period of fourteen days, persons recommended by the Constitutional Council to be members of the Council, shall be deemed to have been appointed as the members of the Council with effect from the date of expiry of such period.]
34. The members of the Council shall hold office for a period of four years and may be re-elected so as to serve a maximum of two terms.
35. The Council shall appoint:
 - a. a Managing Director who shall be the Chief Executive Officer of the Council, and in consultation with the Managing Director such officers and other employees as it considers necessary.
 - b. The Managing Director shall be responsible for the general supervision, direction and management of the affairs of the Council and exercise disciplinary control over the officers and employees of the Council.
 - c. The Managing Director and other officers and employees appointed under sub-section (a)), shall be subject to such terms and conditions of service as shall be determined by the Council and be paid such remuneration as determined by the Council in consultation with the Minister assigned the subject of Finance.

Functions and powers of the Council

36. (a). In carrying out its duties and exercising its powers under this Act, the Council shall be independent, and subject only to the Constitution of Sri Lanka and the law, and shall be impartial and must perform its functions without fear, favour or prejudice. The Council shall function without any political or other binds or interference and shall be wholly independent and separate from the government and its administration, or any

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political party, or any media owner or an advertiser or from any other functionary or body directly or indirectly representing the interests of the government or any political party, or a media owner or an advertiser. In fulfilling its functions, the Council shall give primary consideration to preserve freedom of expression and serving the public interest.

(b) The duties and functions of the Council shall be, to –

- i. Accord consultative status to the representative organisations of news media owners, news media publishers, journalists and employees of the news media outlets, experts in the fields relevant to news media and other relevant stakeholder organisations including the relevant civil society organisations;
- ii. Within four months of the appointment of the first Council, and there after whenever the need arises, adopt appropriate Codes of Practices for news media outlets determined on the basis of international Standards and best practices and following a public consultation held with experts, journalist's and editors' associations and unions and other stake holder organisations, having consultative status with the Council;
- iii. Review the Codes of Practices adopted under sub-section (b)-(ii) at least every three years and if necessary introduce revisions in consultation with the relevant stakeholder having consultative status with the Council;
- iv. Monitor the performance of news media outlets to ensure due compliance of the Codes of Practices adopted by the Council;
- v. Hold inquiries into the violations of the Codes of Practices adopted by the Council, based on complaints or the *suo moto* observations of the Council, and issue decisions in case of complaints;
- vi. Hold inquiries into the alleged refusal of right to correction by news media outlets on the basis of a complaint submitted by the affected party;
- vii. Hold inquiries into complaints made by journalists and employees of news media regarding allegations of threat, obstruction, discrimination or victimisation because they refused to violate the Codes of Practices adopted by the Council;
- viii. Determine, establish and publish the procedures for holding inquiries;
- ix. Determine, establish and publish procedures to accord consultative status to organisations under sub Section (37) -(b)-(i);

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- x. Maintain a public registry of news media outlets which shall include the names and contact details of the news media owners, news media company directors, news media shareholders who own more than 5% of the shares, news media publishers, the editors in chief, and news media printers, news media publication circulation figures, and details of experts and organisations having consultative status with the Council.;
 - xi. co-operate with or undertake training and educational activities, including production of training material and publications on fundamentals of journalism and the effective implementation of the adopted Codes of Practices;
 - xii. Hold inquiries on defamation allegations against news media outlets in accordance with section (40) of this Act;
 - xiii. Advise the government on the matters relating to providing an enabling environment for freedom of news media and the safety of journalists and media workers;
 - xiv. Conduct open public consultations, at least once a year, in accordance with the procedures set out in the *Schedule II* to assess the public perception of the news media outlet's compliance with the codes of practices;
 - xv. publicise the requirements of this Act and the rights of individuals under the Act.
37. For the purpose of performing its duties and discharging of its functions under this Act, the Council shall have the power:
- a. To accord consultative status to representative organisations of publishers, journalists and employees of the media organisations and relevant civil society organisations;
 - b. To adopt the Codes of Practices for news media;
 - c. To determine the procedures for Council's proceedings including inquiries mentioned under section (37)-(b);

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- d. To accept to hear a complaint, or to refuse to accept a complaint which in the Council's view has no relevancy;
- e. To hold inquiries under this Act, and for that purpose require any person to appear before it;
- f. To examine such person under oath or affirmation and require such person where necessary to produce any information which is in that person's possession;
- g. To call for any information held by a news media outlet needed to fulfil its functions under this Act;
- h. To hear and determine on any complaints of alleged breach of Codes of Practices made to it by any aggrieved person;
- i. To warn, or admonish ~~or censure~~ the news media outlet, the editor-in-chief, or the journalist or disapprove the conduct of the editor-in-chief or the journalist, as the case may be;
- j. To mediate between employers and employees of the news media outlets on disputes concerning the enforcement of the Codes of Practices;
- k. If the Council is of the opinion that it is necessary or expedient in public interest to do so, to direct a news media outlet to publish or broadcast the Council's decision in a manner prescribed by the Council;
- l. To direct a news media outlet to discontinue advertisements which in the Council's view are breach of the Codes of Practices;
- m. To direct news media outlets to publish or broadcast a correction in a manner prescribed by the Council;
- n. To appoint committees comprising members or non-members or both and to assign to them such functions as the Council may determine except that a committee which includes non-Members may only advise the Council;
- o. To delegate to the Chairperson or ~~Secretary~~ a Panel of the Council, subject to such conditions it may think fit to impose, any of its powers;
- p. To collect prescribed fees from the news media levied under sub section (37)-(b)-(xv);

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Provided that nothing in this section shall be deemed to compel any news media outlet, editor-in-chief or journalist to disclose the source of any news or information published or received by that news media outlet, editor-in-chief or journalists.

38. (a). The Council shall meet at least once in every month or as often as it deems necessary to conduct its business, in accordance with the following rules:
- i. In its inaugural meeting the Council shall appoint a Vice Chairperson [and a Secretary] from among its Members.
 - ii. The Council shall, subject to the provisions of this Act, adopt and publish such rules, and procedures in relation to meetings, complaints, inquiry procedures and other matters, as it considers necessary and appropriate to enable it to perform its functions, and all business shall be conducted in accordance with such rules.
 - iii. The quorum for meetings of the Council shall be seven (7).
 - iv. A decision at a meeting of the Council shall be adopted by a simple majority of the Members present and voting except as otherwise decided by the Council, provided that in case of an equality of votes, the Member presiding at the meeting shall have a casting vote in addition to his or her original vote.
 - v. The Chairperson of the Council shall preside at all meetings of the Council, provided that where the Chairperson is absent the Vice-Chairperson shall preside and, in the absence of the Chairperson and the Vice-Chairperson the Members present shall elect from amongst them, a Member to preside the meeting.
 - vi. A member of the Council who is directly or indirectly interested in any decision that is to be taken by the Council on any matter or other proceeding of the Council, shall disclose the nature of such interest at the meeting of the Council where such decision is being taken or prior to the commencement of such other proceeding. The disclosure shall be recorded in the minutes of the meeting or relevant proceeding and the Council shall determine whether such member shall thereafter take part in any deliberation or decision of the Council with respect to that matter.

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- vii. The Council shall regulate the procedure in regard to its meetings and the transaction of business at such meetings;
 - viii. No act, decision or proceeding of the Council shall be deemed to be invalid by reason only of the existence of any vacancy in its membership or any defect in the appointment of any member thereof.
- b. The provisions of the Schedule to this Act shall apply to in respect of the Members of the Council.

Dealing with alleged defamation against news media

39. No one shall file a defamation case in the judicial courts against a news media outlet registered under this Act, without first having had the matter examined via a complain to the Council, allowing the Council to determine whether any breach of Codes of Practices has been occurred in the case of alleged defamation.
40. [Any person who, having had the matter decided by the Council, still wishes to proceed to lodge a legal case seeking damage for defamation shall deposit with the Council a sum equivalent to 10% of the monetary compensation claimed.
41. [Any deposit made pursuant to section (41) may be returned to the person or forfeited pursuant to the decision of the court at the conclusion of the judicial proceedings.

(42) In court proceedings considering news media outlet of an allegedly defamatory statement: the court shall, in determining whether it was fair and reasonable to publish the statement concerned, take into account, in the case of a statement published in a news media outlet, the extent to which the news media outlet adhered to the code of practice and abided by determinations of the Council.

Immunities of the Council

42. No liability, civil or criminal, shall attach to the Council, its Member or any person employed by the Council for anything which in good faith is done in the performance or exercise of any function or power imposed on or assigned to the Council, its Members or its staff employed.

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Appeals against the Council's decisions

43. A news media outlet or person who is aggrieved by a decisions of the Council made under sub sections (37)-(b)-(v), (vi) and (vii), may appeal against such decision to the Court of Appeal.-
44. Until rules are made under Article 136 of the Constitution pertaining to appeals under this section, the rules made under that Article pertaining to an application by way of revision to the Court of Appeal, shall apply in respect of every appeal made under section (44).

Financing the Council and its activities

45. The Council shall have its own Fund into which shall be credited:
- a. all such sums of money as may be voted upon from time to time by Parliament in accordance with the sections (47), (48) and (50) for the use of the Council;
 - b. donations, gifts or grants from any source whatsoever, whether in or outside Sri Lanka, provided that sources and purpose for which such a donation, grant or gift was made available shall be made public;
 - c. prescribed fees from the news media outlets levied under sub section (37)-(b)-(xv).
 - d. Fines imposed by the courts under section (59)
46. The Council shall prepare a budget for each financial year and submit such budget to the minister in charge of finance 90 days prior to the end of the preceding financial year and such budget –
- e. shall specify its projected income, and expenditure broken down by category; and
 - f. shall include an explanatory statement of the assumptions contained in such projections and the rationale or justification for such projections by reference to its proposed activities in the forthcoming year.
47. The Minister in charge of finance on receipt of a budget prepared under section (47);
- g. shall cause a copy of such budget to be placed before Parliament for its approval;

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- h. may require the Members of the Council to clarify any matter arising from such budget to Parliament or a Committee of Parliament; and,
 - i. may require the Council to publish such budget in such manner as he or she considers appropriate to bring it to the attention of the public.
- 48. If no objection to such budget is raised by Parliament within 90 days of the submission of such budget before it, such budget shall be deemed to be approved.
- 49. The Council may revise its budget for any year in that year and shall submit such revision to the Minister in charge of the finance and sections (47), and (48) and section (49) shall apply *mutatis mutandis*.
- 50. The budget allocation requested by the Council from the Parliament for any year shall not be reduced below its annual allocation (as revised from time to time) approved by the Parliament as set out in its most recently approved budget.
- 51. Any excess of the revenue of the Council in any year over its expenditure for that year shall be carried forward to meet its expenditure in subsequent years.
- 52. The financial year of the Council shall be the calendar year and the following provisions shall apply:
 - j. The Council shall cause proper books of accounts to be maintained of the income and expenditure and all other transactions of the Council.
 - k. The provisions of Article 154 of the Constitution relating to the audit of the accounts of public corporations shall apply to the audit of the accounts of the Council.
 - l. The provisions of Part II of the Finance Act, No. 38 of 1971 shall, *mutatis mutandis* apply to the financial control and accounts of the Council.
- 53. The Members and officers and all other employees of the Council shall be deemed to be public servants within the meaning and for the purposes of the Penal Code (Chapter 19) and every inquiry held by the Council under this Act shall be deemed to be a judicial proceeding within the meaning of the Code of Criminal Procedure Act, No. 15 of 1979.
- 54. The Council shall be deemed to be a scheduled institution within the meaning of the Bribery Act (Chapter 26) and the provisions of that Act shall be construed accordingly.

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55. Any expenses incurred in by any member, officer or employee of the Council in any suit or prosecution brought by or against such person before any court in respect of any act or omission which is done or purported to be done by such person in good faith for the purpose of carrying out the provisions of this Act shall, if the court holds that such act or omission was done in good faith, be paid out of the fund of the Council unless such expenses are recovered by him in such suit or prosecution.

Reporting Council Activities

56. (a). The Council shall cause to be prepared a report of its activities as often as it may consider necessary, provided however, that it shall prepare at least one report in each calendar year. The Council shall transmit a copy of every such report to be tabled before Parliament and a copy of same shall also be sent to the President.

(b). The report referred to sub-section (a), besides reporting the Council's activities, shall include information on number of complaints received, rejected or accepted to hear, a schedule with summary of descriptions of each inquiry held by the Council with information on parties involved, the relevant elements of Codes of Practices where the allegation is about violating Codes of Practices, or in other cases the subject matter of the inquiry, the Council's decision and reasons for such decision.

57. A copy of the report prepared under ssection (57) shall, within two weeks of it being tabled before Parliament, be made available for public inspection through its website, besides being proactively published in other ways.

Offences

58. (a)
- i. Anyone obstructing legitimate collection of news and information by a journalist employed by a news media outlet;
 - ii. Anyone who attempts to require someone to disclose confidential source of information contrary to section (9) of this Act;
 - iii. Anyone who discriminates against, or imposes sanctions or terminates from the employment an editor in chief, journalist or any other employee of a news media outlet because of his or her refusal to violate the Codes of Practices adopted by the Independent Media Standard Council;

commits an offence under this Act and shall on conviction after summary trial by a Magistrate be liable to a fine not exceeding one hundred thousand rupees and three months' imprisonment or both.

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(b)

- iv. Anyone who intentionally provides incorrect, inaccurate information to the Council; destroys, invalidates, alters or totally or partially conceal information required by the Council and held under his or her custody or to which he or she has access to or knowledge of due to the exercise of his or her employment;
- v. Anyone who fails to appear before the Council when required;
- vi. Anyone who appears before the Council and fails or refuse to be examined by the Council or to produce information which is in that persons' possession or power, or deliberately provides false information under oath or affirmation;
- vii. Anyone who resists or obstructs the Council or any officer or other employee of the Council, in the exercise of any power conferred on the Council or such officer or employee, by this Act;

commits an offence under this Act and shall on conviction after summary trial by a Magistrate be liable to a fine not exceeding one hundred thousand rupees and three months' imprisonment or both. The Magistrate court shall take cognizance of an offence under sub-section (b) upon receiving a report to that effect from the Council.

59. Any news media outlet which refuses to comply with or to give effect to a decision of the Council commits an offence under this Act and shall on conviction after a summary trial by a Magistrate Court, based on a report from the Council, be liable to a fine of up to one million rupees, provided however that the fine should not exceed a sum amounting to the one-week's income of the news media outlet, calculated on the basis of its audited statements of income or in a manner determined by the Courts.
60. (a). The Council may make rules for matters which rules are required to be made under this Act.
- (b). Every rule made under this Act shall be tabled before Parliament and shall be published in the Gazette within a reasonable period not exceeding three months.

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The Seal of the Council

61. The seal of the Council:

- a. shall be as determined from time to time by the Council;
- b. shall be in the custody of such person as the Council shall determine;
- c. may be altered in such manner as may be determined by the Council; and
- d. shall not be affixed to any document or instrument, except with the sanction of the Council, and in the presence of the Chairperson and one other member of such Council both of whom shall sign such document or the instrument in token of their presence.

62. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Definitions

63. In this Act, unless the context otherwise requires,

- a. ‘‘ News media publication’’ means a printed publication, which has a fixed title, is scheduled to appear in regular sequences of at least once a month, published by a publisher whose activities are carried out in Sri Lanka, and aimed to disseminate news and information to the general public or a section thereof who rely on it as a credible source of news and information.
- b. ‘Publisher’ means on whose account the news media publication is published or the holder of the broadcasting licence issued by the appropriate licensing authority.
- c. ‘Broadcast content service’ means sound and/or image programmes transmitted through terrestrial transmissions, through satellite, or through cable for public consumption and for simultaneous reception, whether or not by a subscription, through a radio and/or a television receiver or any other related electronic equipment, established under a licence issued by the appropriate licensing authority, but does not include communications

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- internal to a private or government body, or communications disseminated over the internet;
- d. 'On line news media service' means a news and information services distributed to the public through internet, provided that such on line news media services can be considered as a news media publication or broadcast content service.
- e. 'News and information' means text, moving or static images and sound material consumed by the readers, viewers and audience of the news media and relied on by media user as a credible source of information and ideas.
- f. "editor-in-chief" means the person who, subject to section (12), exercises final editorial control over the content of a news media outlet.
- g. 'Owner' means any person who owns or has at least 5% ~~substantial~~ proprietary interest in a news media outlet.
- h. "Printer" means any person who has been appointed by or enters into a contract with a publisher for the purpose of printing a new media publication.
- i. "Person" means a physical or juridical person.
- j. "Distributor" means any person who enters into a contract with the publisher to engage in wholesale distribution of mass media products.

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Schedule -I

Sub-section 39 (i)

PROVISION RELATING TO MEMBERS OF THE COUNCIL

1. *A Member of the Council shall cease to be a Member, where such Member:*
 - a. *resigns his or her office earlier by writing addressed to the President;*
 - b. *is removed from office by the President in accordance with the section 2 of this Schedule;*
 - c. *is convicted of an offence, other than a traffic offence, by a competent court of law.*
 - d. *is deemed to have vacated office by absenting himself or herself from three consecutive meetings of the Council, without obtaining prior leave of the Council.*

2. *The President may on the recommendation of the Constitutional Council followed by a resolution adopted in the Parliament by a two third majority of all the Members of Parliament members, after giving a member a fair opportunity to be heard by the Constitutional Council and the Parliament remove from office a Member of the Council, where:*
 - a. *such Member has become permanently incapable of performing his or her duties owing to unsoundness of mind; or*
 - b. *such Member is unfit to perform his or her duties on the basis of moral turpitude;*

3. *The Chairperson or any other Member of the Council may resign from such office by letter in that behalf addressed to the President and the resignation shall become effective from the date of its acceptance by the President in writing.*

4. *In the event of the vacation of the office of any Member of the Council where six months or more remain in his or her term of office, based on new recommendations by the Constitutional Council from the category of relevant nominating entities following the same procedure as set out in Section (30) president shall appoint another person to hold such office for the unexpired term of office of the member whom he succeeds*

5. *Where a Member of the Council, is temporarily unable to discharge his or her duty due to ill health, absence from Sri Lanka or for any other cause, the President may on the recommendation of the Council, and with the concurrence of the Constitutional Council, appoint another person to act in place of such Member during his or her absence.*

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6. *Members of the Council shall be compensated for actual expenses, including travel, accommodation and subsistence, incurred as a result of their duties as Members of the Council.*
7. *Members of the Council shall receive compensation on an equal basis for attendance at Council meetings approved in advance by the Council or convened by the Chairperson.*
8. The proceedings of the Council are not invalid due to any vacancy or a resignation of members, provided that the Council meetings are held with the necessary quorum.

Schedule II

Sub-section 37(b)(xiv)

Provisions Relating to Public Consultations

1. *If the Council holds a public consultation, it must publish notice of –*
 - a. *the fact that it is holding the public consultation;*
 - b. *the period during which the public consultation is to be held;*
 - c. *the nature of the matter to which the public consultation relates;*
 - d. *the period within which, and the form in which, persons may make submissions to the Council about that matter; and*
 - e. *the address to which submissions may be sent*
2. *In holding a public consultation, the Council may publish a discussion paper that -*
 - a. *identifies the issues that, in the Council's opinion, are relevant to that matter; and*
 - b. *sets out such background material about, and discussion of, those issues as the Council thinks appropriate.*
3. *The Council shall, publish the results of any public consultation carried out within three months of the completion of the consultation, and shall consider and, to such extent as it thinks fit, take account of the results of such consultation when discharging its functions and duties, and exercising its powers, under this Act.*
4. *For the purposes of this section, notices, documents or information to be published shall be published on the website of the Council and made available at its offices. The Council may in addition publish such notices, documents or information in such other manner as the Council may consider appropriate to bring them to the attention of all interested parties.*